

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12368 of Sidney Spiegel, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the permitted use restrictions (Sub-section 3105.2) to permit the establishment of a resident manager's office and a real estate investment office in the R-5-A District in an apartment located at 3928 - 7th Street, N.E. (Square 3820, Lot 807).

HEARING DATE: March 22, 1977

DECISION DATE: April 6, 1977

FINDINGS OF FACT:

1. The subject property is improved with a two story brick apartment house containing four units.
2. The applicant proposes to use one of the four apartments at the subject property for an office for his real estate investment activities and as a resident manager's office.
3. The applicant's proposed use does not qualify as a home occupation because he employs an individual who is not a member of his family residing on the premises.
4. The applicant expended c. \$10,000 to renovate the apartment. Such expenses did not include any improvements which were directly needed for the conduct of the business and which could not be applicable to an apartment use.
5. The application was opposed by Advisory Neighborhood Commission 5A on the grounds that the area should remain strictly residential in character. There was additional opposition from residents of the area on similar grounds.

CONCLUSIONS OF LAW AND OPINION:


The applicant seeks a use variance requiring a showing of exceptional hardship related to the specific property. The Board is of the opinion that the applicant has failed to make the required showing and, in fact, seeks the variance as a matter of personal convenience. The Board concludes that reasonable use of the property can be made for a purpose for which it is zoned. Accordingly, it is therefore ORDERED that the application is hereby DENIED.

VOTE:

4-0 (Lilla Burt Cummings, Esq., Ruby B. McZier, Esq., William F. McIntosh and Leonard L. McCants, Esq. to deny).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 5 JUL 1977